

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Deonte Thomas,

Case No. 3:22-cv-164

Petitioner,

v.

ORDER

Harold May, Warden,

Respondent.

Petitioner Deonte Thomas requests permission to proceed with an appeal without first paying the filing fee. (Doc. No. 54). I previously denied Thomas's § 2254 petition and declined to issue a certificate of appealability after Thomas failed to file timely objections to Magistrate Judge Darrell A. Clay's Report and Recommendation despite having received five extensions of the objection deadline. (Doc. No. 39).

Section 1915 provides "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). The standard for granting a motion to proceed in forma pauperis on appeal is lower than the standard for issuing a certificate of appealability. *See Foster v. Ludwick*, 208 F. Supp. 2d 750, 764 (E.D. Mich. 2002) (citing *United States v. Youngblood*, 116 F.3d 1113, 1115 (5th Cir. 1997)). A court may grant a motion to proceed in forma pauperis if the issues are arguable on their merits, even if the petitioner cannot show a probability of success on the merits. *Foster*, 208 F. Supp. 2d at 765.

As I previously held, Thomas waived a merits review of Judge Clay's Report and Recommendation through his failure to file timely objections. Therefore, I deny his motion to

proceed in forma pauperis on appeal. (Doc. No. 54). I also deny his motions to make findings and for reconsideration. (Doc. Nos. 52 and 55). Finally, I decline to consider Thomas's untimely objections. (Doc. Nos. 56 and 60).

Because this case is closed and Petitioner is now pursuing his appeal to the Sixth Circuit Court of Appeals, any further motions and objections mailed to this court by Petitioner will be returned to him.

So Ordered.

s/ Jeffrey J. Helmick  
United States District Judge